

**IN THE DRAWINGS**

Please replace Figures 2 and 5 with the attached replacement figures 2 and 5.

## REMARKS

Entry of this amendment and reconsideration of this application, as amended, is respectfully requested.

A new abstract is provided herewith to overcome the objection to the present abstract.

The Examiner refers to 35 U.S.C. §112, first paragraph, and refers to the written description requirement with respect to the units of the slide pairing diameters and the slide pairing diameters themselves. The Examiner also rejected claims 1-9 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite in part due to the units of slide pairing diameters. Applicants respectfully traverse.

The description of the invention includes the following distinct terms:

- a) slide pairing diameter,
- b) difference in the slide pairing diameters; and
- c) ratio of the diameters of the slide pairing.

On page 1, lines 16-18 of the specification the slide pairing diameter of the ball head is defined as: “The slide pairing diameter of the ball head is determined by the diameter of the outer surface of the ball head which articulates with the socket.” The description on page 1, lines 21-24 is an aid to understanding this definition.

The use of larger slide pairing diameters, i.e. a larger ball head and a larger socket, is limited by restrictions on the available space. To aid the Examiner, the slide pairing diameters (20, 21) of the ball head (2) and of the bipolar shell (3) are drawn in attached new Figures 2 and 5. Thus, it is believed that the term “slide pairing diameter” is clearly described.

The difference in the slide pairing diameters (20, 21) is mathematically expressed with the following equation:

(Difference in slide pairing diameters 20, 21) = (slide pairing diameter 21 of the bipolar shell 5) minus (slide pairing diameter 20 of the ball head 2)

c) By ratio X of the diameters of the slide pairing is meant mathematically the following equation:

$$X = (\text{slide pairing diameter 21 of the bipolar shell 5}) / (\text{slide pairing diameter 20 of the ball head 2})$$

An example is provided below:

Slide pairing diameter 21 of the bipolar shell 5 = 32.0 mm

Slide pairing diameter 20 of the ball head 2 = 22.2 mm

Diameter ratio  $X = 32 \text{ mm} / 22.2 \text{ mm} = 1.44$

Difference in the slide pairing diameters 20, 21 =  $32 \text{ mm} - 22.2 \text{ mm} = 9.8 \text{ mm}$

It is believed that the foregoing explanation and the amendments to the claims overcome all 35 U.S.C. §112 rejections.

Claims 1 and 6 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by EP 461019 (EP '109). It is respectfully submitted that this rejection does not apply to claim 1 which has been amended to include the subject matter of claim 2, which was not rejected over this reference.

In view of the foregoing, it is respectfully requested that this rejection be withdrawn.

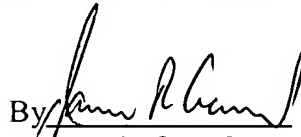
Claim 1 was also rejected under 35 U.S.C. §102(b) for allegedly being anticipated by McLean. It is respectfully submitted that this rejection does not apply to the presently pending claims because claim 1 has been amended to include subject matter of claim 2, which was not rejected over this reference.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-DNAG-275-US. A duplicate copy of this paper is enclosed.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By   
James R. Crawford  
Reg. No. 39,155

666 Fifth Avenue  
New York, New York 10103  
(212) 318-3148